

# ORIGINAL

DT14 Rec'd PCT/PTO 03 DEC 2004

FORM PTO-1390  
Rev. 10-2004

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

Le A 36 111

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/516778**

INTERNATIONAL APPLICATION NO.

**PCT/EP03/05695**

INTERNATIONAL FILING DATE

**30 May 2003**

PRIORITY DATE CLAIMED

**03 June 2002**

TITLE OF INVENTION

**Use of Compounds that Stimulate cGMP**

APPLICANT(S) FOR DO/EO/US

**Haning, et al.**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
  - 1) Certificate of Mailing under 37 C.F.R. 1.10;
  - 2) Transmittal of Information Disclosure Statement under 37 C.F.R. 1.97(b);
  - 3) Information Disclosure Citation (Modified Form PTO-1449) and copies of references cited therein; and
  - 4) Return Receipt Postcard.

ORIGINAL

DT12 Rec'd PCT/PTO 03 DEC 2004

U.S. APPLICATION NO. (if known, see 37 CFR 1.53) <b>10/516778</b>		INTERNATIONAL APPLICATION NO. <b>PCT/EP03/05695</b>		ATTORNEY'S DOCKET NUMBER <b>Le A 36 111</b>	
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21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. .... <b>\$ 1110.00</b>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$ 950.00</b>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$ 790.00</b>  International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$ 750.00</b>  International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100.00</b>  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>CALCULATIONS PTO USE ONLY</b>          <table style="width:100%; border: none;"> <tr> <td style="width:50%; border: none;"><b>\$ 950.00</b></td> <td style="width:50%; border: none;"></td> </tr> </table>		<b>\$ 950.00</b>	
<b>\$ 950.00</b>							
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				<table style="width:100%; border: none;"> <tr> <td style="width:50%; border: none;"><b>\$</b></td> <td style="width:50%; border: none;"></td> </tr> </table>		<b>\$</b>	
<b>\$</b>							

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$			
Total claims	<b>10</b> - 20 =	<b>0</b>	x <b>\$18.00</b>	<b>\$ 0.00</b>			
Independent claims	<b>5</b> - 3 =	<b>2</b>	x <b>\$ 88.00</b>	<b>\$ 176.00</b>			
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ <b>\$ 300.00</b>	<b>\$</b>			
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$ 1,126.00</b>			
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				<table style="width:100%; border: none;"> <tr> <td style="width:50%; border: none;"><b>\$</b></td> <td style="width:50%; border: none;"></td> </tr> </table>	<b>\$</b>		
<b>\$</b>							
<b>SUBTOTAL =</b>				<b>\$ 1,126.00</b>			
Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				<table style="width:100%; border: none;"> <tr> <td style="width:50%; border: none;"><b>\$</b></td> <td style="width:50%; border: none;"></td> </tr> </table>	<b>\$</b>		
<b>\$</b>							
<b>TOTAL NATIONAL FEE =</b>				<b>\$ 1,126.00</b>			
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property +				<table style="width:100%; border: none;"> <tr> <td style="width:50%; border: none;"><b>\$</b></td> <td style="width:50%; border: none;"></td> </tr> </table>	<b>\$</b>		
<b>\$</b>							
<b>TOTAL FEES ENCLOSED =</b>				<b>\$ 1,126.00</b>			
				<table style="width:100%; border: none;"> <tr> <td style="width:50%; border: none;"><b>Amount to be refunded:</b></td> <td style="width:50%; border: none;"><b>\$</b></td> </tr> </table>	<b>Amount to be refunded:</b>	<b>\$</b>	
				<b>Amount to be refunded:</b>	<b>\$</b>		
<table style="width:100%; border: none;"> <tr> <td style="width:50%; border: none;"><b>charged:</b></td> <td style="width:50%; border: none;"><b>\$</b></td> </tr> </table>	<b>charged:</b>	<b>\$</b>					
<b>charged:</b>	<b>\$</b>						

a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. **13-3372** in the amount of \$ **1,126.00** to cover the above fees.  
 A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
 overpayment to Deposit Account No. **13-3372**. A duplicate copy of this sheet is enclosed.

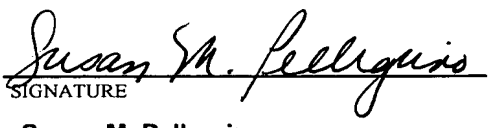
d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card  
 information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a)  
 or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO: **Customer No. 35969**

**Jeffrey M. Greenman**  
**Bayer Pharmaceuticals Corporation**  
**400 Morgan Lane**  
**West Haven, CT 06516**

  
 SIGNATURE  
**Susan M. Pellegrino**  
 NAME  
**48,972**  
 REGISTRATION NUMBER

Attorney's Docket No. Le A 36 111

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Haning, et al.

Serial No.: [to be assigned] National Stage Filing of PCT/EP03/05695

Filed: herewith

For: Use of Compounds that Stimulate cGMP

MAIL STOP PCT  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450


CERTIFICATE OF MAILING UNDER 37 CFR 1.10I hereby certify that the *attached* correspondence comprising:

- ☒ Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing under 35 U.S.C. 371 [IN DUPLICATE];
- ☒ Application Data Sheet under 37 C.F.R. 1.76;
- ☒ Preliminary Amendment;
- ☐ Original oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4));
- ☒ English Translation of the Application (35 U.S.C. 371(c)(2));
- ☒ Copy of the International Application as filed (35 U.S.C. 371(c)(2));
- ☒ Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98 consisting of Transmittal of Information Disclosure Statement under 37 C.F.R. 1.97(b), Information Disclosure Citation (Modified Form PTO-1449) and copies of references cited therein;
- ☒ Return Receipt Post Card;
- ☐ Other:

is, on the date shown below, being deposited with the United States Postal Service, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number ED014822315US addressed to:

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

December 3, 2004  
Date

  
Signature of Person Certifying / Susan Pellegrino